THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :1792 of 2007

DATED: 02-02-2007

Budagala Nageswararao

..... PETITIONER

AND

The Sub-Inspector of Police,
(Alahari L & O Police Station,
Arundelpet,
Guntur.

.....RESPONDENT

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ORDER:
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Heard the learned counsel for the petitioner as well as the learned Government Pleader for Home appearing for the respondent.

2. Petitioner seeks a writ of mandamus declaring the action of the Sub-Inspector of police, Arundelpet Law & Order police station, Guntur, in interfering with the personal liberty of the petitioner, as illegal, arbitrary, and unconstitutional.

3. It appears the petitioner filed a complaint, dated 20-05-2006, before the National Human Rights Commission, and the National Human Rights Commission passed an order, dated 10-10-2006, stating that the complaint is addressed to the appropriate authority and only a copy was sent to the Commission and the authority to whom the complaint is made is expected to take appropriate action. Hence, no action, whatsoever, is called for by the National Human Rights Commission.

4. The complaint that has been filed by the petitioner on
20-05-2006 has not been stated in the writ petition and copy of the same was also not enclosed. Certain allegations have been made in the writ petition stating that he is the resident of Kakumanuvarithota, Guntur, doing real estate business, and in this connection there

are civil disputes pending for recovery of money from the purchasers of the lands and one Garapati Ajit Rajkumar has filed a private complaint against the petitioner making certain allegations that the petitioner has stolen certain cheques and in that connection Cr.No.554 of 2006 has been registered against the petitioner. Questioning the same the petitioner filed Crl.P.No.4363 of 2006 on the file of this Court, and this Court granted interim stay. It is further stated that several cases have been foisted against the petitioner even under the provisions of the S.C. & S.T. (POA) Act, and the Sub-Inspector of Police illegally interfered with his personal liberty.

5. I am of the opinion that if any cases are pending against the petitioner, it is the statutory duty of the police to investigate and take appropriate action. If any illegal action has been committed by the Sub-Inspector of Police or any private individual it is always open for the petitioner to make a representation before the concerned police authority or the superior authorities and if no action is taken he can as well file a private complaint before the concerned Magistrate to set the criminal action in motion. But the petitioner cannot be protected from the illegal activities with regard to the criminal cases pending against him.

6. Writ Petition is devoid of any merits and is accordingly dismissed. No order as costs.

V.ESWARAIAH,J

02nd February,2007.
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